

Regulations and other Acts

Gouvernement du Québec

O.C. 269-2012, 28 March 2012

Environment Quality Act
(R.S.Q., c. Q-2)

Agricultural Operations — Amendment

Regulation to amend the Agricultural Operations Regulation

WHEREAS subparagraphs *c*, *d*, *e* and *h* of the first paragraph of section 31 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 21 October 2011 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(R.S.Q., c. Q-2, a. 31, 1st par., subpars. *c*, *d*, *e* and *h*)

1. The Agricultural Operations Regulation (c. Q-2, r. 26) is amended in section 35

(1) by replacing “provided by the Minister” at the end of the fifth paragraph by “prescribed by the Minister, available on the website of the Ministère du Développement durable, de l’Environnement et des Parcs”;

(2) by inserting “and area of parcels available” in the sixth paragraph after “information on the fertilization”;

(3) by striking out the seventh and eighth paragraphs.

2. The following is inserted after section 35:

“**35.1.** As of 1 January 2011, every operator of a raising site or spreading site referred to in section 35 must send the yearly phosphorus report to the Minister not later than 15 May of each year.

Where, after a change in the raising site or spreading site, the operator no longer has cultivated parcels corresponding to the area required pursuant to section 20, 20.1 or 50, the operator must immediately send to the Minister the update of the phosphorus report made in accordance with section 35.

The transmission to the Minister must be done electronically using the electronic services, by an agrologist mandated for that purpose by the operator.

When the yearly phosphorus report or update is sent electronically, the agrologist certifies that

(1) the report or update was established in accordance with section 35;

(2) the operator’s signature on the report or update certifies that the information provided to the agrologist is accurate.

Once the yearly phosphorus report or update has been sent to the Minister, the Minister acknowledges its receipt and admissibility by email to the agrologist and, where applicable, to the operator if the document sent indicates the operator’s email address. The agrologist must ensure that the confirmation of receipt and admissibility of the yearly phosphorus report or update sent to the Minister is held by the operator.

35.2. The operator must keep a copy of the yearly phosphorus report and, as the case may be, of each subsequent update for a minimum of 5 years from the date of signature by the agrologist.

The operator must also keep for a minimum of 5 years

(1) a copy of the notice given to the agrologist pursuant to the fourth paragraph of section 35, as of the date on which the notice is sent;

(2) a copy of any document confirming the receipt and admissibility of the yearly phosphorus report or update sent to the Minister, as of the date on which it was received in accordance with the fourth paragraph of section 35.1.

The operator must provide a copy on request to the Minister within the time indicated by the Minister.”

3. Section 50.1 is amended

(1) by replacing “for crop cultivation” in the first paragraph by “for the crop cultivation concerned”;

(2) by striking out everything that follows “each cultivated parcel” in the first paragraph;

(3) by inserting “subparagraphs 1 and 2 of the second paragraph of” after “For the purposes of” in the second paragraph.

4. The following is inserted after section 50.1:

“50.1.1. For the purposes of subparagraph 2.1 of the second paragraph of section 50.3, the area used for the cultivation of the trees concerned may include the area of any other lot or part of a lot of a raising site or spreading site where such trees have been cultivated at least once

(a) since the 2004 growing season for such a site situated in the territory of a municipality listed in Schedule II or III;

(b) since the 2005 growing season for such a site situated in the territory of a municipality listed in Schedule V.

The owner of a raising site or spreading site must, before restoring such an area to cultivation, declare it on the form provided by the Minister of Sustainable Development, Environment and Parks. In support of the declaration, the owner must attach one of the following documents to the declaration:

— a true copy certified by the Minister of Agriculture, Fisheries and Food of an aerial photograph of the raising site or spreading site on which the Minister indicates the year of the photograph, clearly identifies the area used for the cultivation of the trees concerned and specifies the area in hectares (ha);

— a true copy certified by the Minister of Agriculture, Fisheries and Food of the part relating to areas under cultivation of a registration slip of the agricultural operation;

— a copy of the part relating to areas under cultivation of the agro-environmental fertilization plan of the agricultural operation, certified true by the agrologist who established the plan.

The declaration of the owner of the raising site or spreading site must be received by the Minister not later than April 26 2015.”

5. Section 50.3 is amended

(1) by adding the following sentence at the end of the first paragraph: “The prohibition does not apply to the following crop cultivation: trees, other than the types referred to in subparagraph 2.1 of the second paragraph, shrubs, blueberry, cranberry, strawberry or raspberry plants and vines.”;

(2) by inserting “to which the prohibition applies” in the introductory sentence of the second paragraph after “cultivation”;

(3) by replacing “for crop cultivation” in subparagraphs 1 and 2 of the second paragraph by “for such crop cultivation”;

(4) by inserting the following after subparagraph 2 of the second paragraph:

“(2.1) in a raising site or spreading site situated in the territory of a municipality listed in Schedules II, III and V and existing on April 26 2012 over an area that does not exceed the area of that site used for crop cultivation during the 2011 growing season for the cultivation of fruit trees or conifers cultivated and used for ornamental purposes and harvested without their root systems;”

6. The following is inserted after section 50.3:

“50.3.1. Despite the first paragraph of section 50.3, crop cultivation to which the prohibition applies is permitted before the planting of land intended for crop cultivation to which the prohibition does not apply or

between 2 production cycles on a parcel used for crop cultivation to which the prohibition does not apply for a maximum period of 24 months, on the following conditions:

(a) an agrologist recommends it in writing to the person who cultivates the parcel or land;

(b) the agrologist's recommendation shows that the chosen crop will allow to solve a phytosanitary problem affecting the parcel or will improve the physicochemical and biological properties of the soil of the parcel or, before its planting, of the land concerned;

(c) the agrologist's recommendation specifies the area (ha) of the chosen crop, its duration and the designation of the parcel or land.

The recommendation must be kept by the person who cultivates the parcel or land for a minimum of 5 years from the date of signature by the agrologist or be attached to the agro-environmental fertilization plan where the person is required to establish an agro-environmental fertilization plan under section 22. The person who cultivates the parcel or land must provide a copy of that recommendation to the Minister on request within the time indicated by the Minister.”.

7. Section 50.4 is amended

(1) by replacing “1 or 2” by “1, 2 or 2.1”;

(2) by inserting “or planting” after “at least 30 days before seeding”;

(3) by inserting “to which the prohibition applies” after “crop cultivation”.

8. Section 50.5 is amended by replacing “Any document” by “Subject to section 35, any document”.

9. Schedules VI and VII are replaced by the Schedules attached to this Regulation.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE VI

(s. 28.2)

ANNUAL PHOSPHORUS (P₂O₅) PRODUCTION

Type of animal	Category ¹	Factor ((P ₂ O ₅)/animal space (kg)) ²
Dairy cattle	Dairy cow of a breed other than Canadienne or Jersey and its 11-day calf	62.2
	Dairy heifer of a breed other than Canadienne or Jersey (> 15 months until first lactation)	38.8
	Dairy heifer calf of a breed other than Canadienne or Jersey (from 12 days to 15 months)	16.4
	Jersey dairy cow and its 11-day calf	28.1
	Jersey dairy heifer (> 15 months until first lactation)	17.5
	Jersey dairy heifer calf (from 12 days to 15 months)	7.4
	Canadienne dairy cow and its 11-day calf	56.5
	Canadienne dairy heifer (> 15 months until first lactation)	35.3
	Canadienne dairy heifer calf (from 12 days to 15 months)	15.0
	Dairy bull	25.1
Beef cattle	Slaughter cow and its calf	32.9
	Slaughter heifer (> 15 months until first calving)	23.5
	Slaughter heifer calf (from 8 months to 15 months)	15.7
	Feeder cattle (backgrounding cattle and finishing cattle)	30.5
	Backgrounding cattle (from 268 to 400 kg)	19.1
	Finishing cattle (> 400 kg)	37.7
	Slaughter bull (≤ 12 months)	22.9
	Slaughter bull (> 12 months)	30.8
	Adult buffalo – male or female	29.9
	Grain-fed calf (nursery and finishing)	12.0
	Grain-fed calf nursery (from 64 to 95 kg)	5.46
	Finishing grain-fed calf (> 95 to 286 kg)	14.4
	Veal calf	5.56

Suidae	Sow and unweaned piglets	12.7
	Gilt	8.04
	Weanling (≤ 25 kg)	1.49
	Feeder pig (> 25 kg until live weight at slaughter ≤ 107 kg)	4.60
	Feeder pig (> 25 kg until live weight at slaughter ≤ 107 kg)	5.70
	Boar	21.5
	Adult wild boar – male or female	16.6
Poultry	Broiler – male (≤ 3.0 kg)	0.313
	Broiler – female (≤ 3.0 kg)	0.246
	Roaster – male or female (> 3.0 kg)	0.362
	Broiler turkey – male or female (≤ 9.9 kg)	0.724
	Heavy turkey – male or female (> 9.9 kg)	1.57
	Pullet – eggs for consumption	0.188
	Laying hen – eggs for consumption	0.456
	Pullet – hatching eggs	0.185
	Rooster – hatching eggs	0.226
	Laying hen – hatching eggs	0.710
	Quail (meat) – male or female	0.054
	Pheasant – male or female	0.214
	Guinea fowl – male or female	0.223
Peacock – male or female	0.600	
Ovine	Ewe and its milk-fed lambs	6.54
	Adult ram	7.25
	Replacement ewe lamb (final live weight ≤ 55 kg)	1.61
	Light lamb – male or female (final live weight ≤ 30 kg)	0.292
	Heavy lamb – male or female (final live weight ≤ 47 kg)	0.894
Caprine	Angora goat (≥ 1 year)	7.20
	Dairy goat (≥ 1 year)	7.20
	Slaughter goat	7.20
	Adult billy goat	7.20
	Nanny goat or kid (from 3 days to 364 days)	2.76
Anatidae	Goose – male or female	0.708
	Duck – male or female	0.769
	Peking duck – male or female	0.595

Cervidae	Red deer – male or female	2.84
	White-tailed deer – male or female	2.84
	Elk – male or female	5.81
	Fallow deer – male or female	2.84
Equidae	Stallion	22.6
	Gelding	27.8
	Mare and its unweaned offspring	32.2
	Colt or filly	16.1
Struthionidae and ratitae	Ostrich – male or female	31.0
	Feeder ostrich – male or female	12.0
	Rhea – male or female	12.0
	Emu – male or female	10.1
	Feeder emu – male or female	3.56
Leporidae	Female rabbit and its offspring until slaughter	6.61
Fur animals	Female chinchilla and its unweaned offspring	0.132
	Female mink and its offspring until slaughter	0.983
	Adult mink – male	0.502
Other types	Llama – male or female	2.76

- (1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus (P_2O_5) production/animal space referred to in the following table based on the live weight of the animal at the end of the raising period:

Live weight of the animal at the end of the raising period (kg)	Factor $((P_2O_5)/\text{animal space (kg)})^2$
< 1	0.12
≥ 1 and < 5	0.6
≥ 5 and < 10	1.2
≥ 10 and < 20	2.4
≥ 20 and < 100	12
≥ 100 and < 500	30
≥ 500	60

- (2) Where the animals are not raised in a raising facility, the factor " $(P_2O_5)/\text{animal space (kg)}$ " is replaced by the factor " $(P_2O_5)/\text{animal (kg)}$ ".

SCHEDULE VII

(ss. 35 and 50.01)

ANNUAL PHOSPHORUS (P₂O₅) PRODUCTION

Type of animal	Category ¹	Factor ((P ₂ O ₅)/animal space (kg)) ²
Dairy cattle	Dairy cow of a breed other than Canadienne or Jersey and its 11-day calf	51.8
	Dairy heifer of a breed other than Canadienne or Jersey (> 15 months until first lactation)	32.3
	Dairy heifer calf of a breed other than Canadienne or Jersey (from 12 days to 15 months)	13.7
	Jersey dairy cow and its 11-day calf	23.4
	Jersey dairy heifer (> 15 months until first lactation)	14.6
	Jersey dairy heifer calf (from 12 days to 15 months)	6.2
	Canadienne dairy cow and its 11-day calf	47.1
	Canadienne dairy heifer (> 15 months until first lactation)	29.4
	Canadienne dairy heifer calf (from 12 days to 15 months)	12.5
	Dairy bull	20.9
Beef cattle	Slaughter cow and its calf	27.4
	Slaughter heifer (> 15 months until first calving)	19.6
	Slaughter heifer calf (from 8 months to 15 months)	13.1
	Feeder cattle (backgrounding cattle and finishing cattle)	25.4
	Backgrounding cattle (from 268 to 400 kg)	15.9
	Finishing cattle (> 400 kg)	31.4
	Slaughter bull (≤ 12 months)	19.1
	Slaughter bull (> 12 months)	25.7
	Adult buffalo – male or female	24.9
	Grain-fed calf (nursery and finishing)	10.0
	Grain-fed calf nursery (from 64 to 95 kg)	4.55
	Finishing grain-fed calf (> 95 to 286 kg)	12.0
	Veal calf	4.63

Suidae	Sow and unweaned piglets	10.6
	Gilt	6.70
	Weanling (≤ 25 kg)	1.24
	Feeder pig – male or female (> 25 kg until slaughter)	4.75
	Boar	17.9
	Adult wild boar – male or female	13.8
Poultry	Broiler – male (≤ 3.0 kg)	0.261
	Broiler – female (≤ 3.0 kg)	0.205
	Roaster – male or female (> 3.0 kg)	0.302
	Broiler turkey – male or female (≤ 9.9 kg)	0.603
	Heavy turkey – male or female (> 9.9 kg)	1.31
	Pullet – eggs for consumption	0.157
	Laying hen – eggs for consumption	0.380
	Pullet – hatching eggs	0.154
	Rooster – hatching eggs	0.188
	Laying hen – hatching eggs	0.592
	Quail (meat) – male or female	0.045
	Pheasant – male or female	0.178
	Guinea fowl – male or female	0.186
	Peacock – male or female	0.500
Ovine	Ewe and its milk-fed lambs	5.45
	Adult ram	6.04
	Replacement ewe lamb (final live weight ≤ 55 kg)	1.34
	Light lamb – male or female (final live weight ≤ 30 kg)	0.243
	Heavy lamb – male or female (final live weight ≤ 47 kg)	0.745
Caprine	Angora goat (≥ 1 year)	6.00
	Dairy goat (≥ 1 year)	6.00
	Slaughter goat	6.00
	Adult billy goat	6.00
	Nanny goat or kid (from 3 days to 364 days)	2.30
Anatidae	Goose – male or female	0.590
	Duck – male or female	0.641
	Peking duck – male or female	0.496
Cervidae	Red deer – male or female	2.37
	White-tailed deer – male or female	2.37
	Elk – male or female	4.84
	Fallow deer – male or female	2.37

Equidae	Stallion	18.8
	Gelding	23.2
	Mare and its unweaned offspring	26.8
	Colt or filly	13.4
Struthionidae and ratitae	Ostrich – male or female	25.8
	Feeder ostrich – male or female	10.0
	Rhea – male or female	10.0
	Emu – male or female	8.45
	Feeder emu – male or female	2.97
Leporidae	Female rabbit and its offspring until slaughter	5.51
Fur animals	Female chinchilla and its unweaned offspring	0.110
	Female mink and its offspring until slaughter	0.819
	Adult mink – male	0.418
Other types	Llama – male or female	2.30

- (1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus (P_2O_5) production/animal space referred to in the following table based on the live weight of the animal at the end of the raising period:

Live weight of the animal at the end of the raising period (kg)	Factor $((P_2O_5)/\text{animal space (kg)})^2$
< 1	0.1
≥ 1 and < 5	0.5
≥ 5 and < 10	1
≥ 10 and < 20	2
≥ 20 and < 100	10
≥ 100 and < 500	25
≥ 500	50

- (2) Where the animals are not raised in a raising facility, the factor " $(P_2O_5)/\text{animal space (kg)}$ " is replaced by the factor " $(P_2O_5)/\text{animal (kg)}$ ".